

PATENT APPLN. NO. 10/536,559  
AMENDMENT AND RESPONSE TO  
ELECTION OF SPECIES REQUIREMENT

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OCT 30 2006

REMARKS

The Action includes an election of species requirement.  
Election of one of the following species is required:

- (I) Fig. 1, identified in the Action as corresponding to claim 4,
- (II) Fig. 2, identified in the Action as corresponding to claim 5, and
- (III) Fig. 3, identified in the Action as corresponding to claim 6.

Applicants request withdrawal of the election of species requirement.

The present application is the U.S. national stage of international application PCT/JP2004/001853. Unity of invention practice must be applied by the Office to the present application. The Office states that the species lack unity of invention because "the technical feature of claim 1 are disclosed by the prior art of record (reference on IDS)".

The statement of the Office does not comply with the requirements for election in the present requirement. MPEP 1893.03(d) requires the Office to "explain why the species lack unity with each other group ... specifically describing the unique special technical feature of each group." The Office has failed to

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identify the unique special technical feature of each group and has failed to identify the prior art disclosing the technical feature. A proper response to the election of species requirement cannot be made unless and until the Office identifies the unique special technical feature of each group and identifies the specific prior art disclosing the technical feature.

Withdrawal of the election of species requirement is in order and is respectfully requested.

Notwithstanding that the election of species requirement is improper and is traversed for the reasons explained above, applicant elects species I, Fig. 1. All of the claims are believed to read on the elected species.

Furthermore, it is noted that the claims have been amended to clearly show that each dependent claim further recites an additional technical feature of independent claim 1. Claims 1 to 9 form a single general inventive concept under PCT Rule 13.1. Claim 1 sets forth a combined oil control ring to solve problems of conventional combined oil control ring consisting of an oil ring body and a coil expander (see page 1, line 19, to page 4, line 25, and Figs. 4 and 5 of the specification of the present application). Dependent claims 2 to 9 are linked by the technical features of

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claim 1 and, thus, form a single inventive concept. For this reason also, the election requirement should be removed.

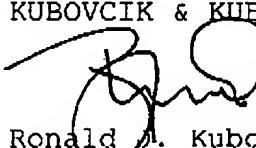
The foregoing is believed to be a complete and proper response to the Office Action dated September 28, 2006, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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